

**RIO DELL CITY COUNCIL  
REGULAR MEETING  
FEBRUARY 2, 2010  
MINUTES**

The Regular Meeting of the Rio Dell City Council was called to order at 6:30 P.M. by Mayor Woodall.

ROLL CALL: Present: Mayor Woodall, Councilmembers Barsanti, Dunker, Marks and Thompson

Others Present: Interim City Manager Stretch, Chief of Police Hill, City Clerk Dunham, and Rebecca Crow, Winzler & Kelly

Absent: Finance Director Beauchaine, and Acting Public Works Director Jensen

**PLEDGE OF ALLEGIANCE** – Boy Scouts Troop No. 74 led the Council, staff and audience in the Pledge of Allegiance.

**CEREMONIAL**

Proclamation in support of Boy Scouts of America Day in Celebration of its 100<sup>th</sup> Anniversary  
Mayor Woodall read the proclamation in support of Boy Scouts of America Day in celebration of its 100<sup>th</sup> anniversary and presented it to Boy Scouts Leader Martha Eggel.

**CONSENT CALENDAR**

Councilmember Marks requested the minutes of the January 12, 2010 Special Meeting and the Minutes of the January 19, 2010 Regular Meeting be pulled for separate discussion under Special Call Items.

Mayor Woodall requested the Amended Fitness Program Description for the Police Department also be pulled for separate discussion.

Motion was made by Thompson/Dunker to approve the consent calendar including the approval of Pay Request No. 2 to K.G. Walters Co., Inc. in the amount of \$66,915.00 for work related to the Solids and Disinfection Management Project; and the Annual Whistleblower Report. Motion carried 5-0.

**SPECIAL CALL ITEMS**

Approve Minutes of the January 12, 2010 Special Meeting

Councilmember Marks stated she would like the minutes of January 12, 2010 amended to show that Councilmember Barsanti was absent and that the absence was not unexcused and to reflect

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that she had asked the following questions during discussion of the Wastewater System Planning (page 5, Paragraph 6): 1) Under Option 2, could Scotia's wastewater still be added later? Rebecca Crow from Winzler & Kelly answered yes. 2) Would an 8 inch pipe be large enough to pump Rio Dell/Scotia wastewater to the Eel River property? The response was yes because it would be treated wastewater only in the dry summer months. 3) Would moving the treatment plant to Rio Dell stop development on the Eel River property? Finance Director Beauchaine said it wouldn't because of the economic development grants available.

Motion was made by Dunker/Thompson to approve the minutes of the January 12, 2010 Special Meeting as amended. Motion carried 4-1; Councilmember Barsanti abstained from vote.

#### Approve Minutes of the January 19, 2010 Regular Meeting

Councilmember Marks referred to Page 5 of the minutes under *Council Reports/Communications* and said she would like the minutes corrected to state "The consensus of the Council was to direct the City Manager to begin working on a draft open container ordinance."

Motion was made by Dunker/Thompson to approve the minutes of the January 19, 2010 regular meeting as amended. Motion carried 5-0.

#### Approve Amended Fitness Program Description for the Police Department dated February 2, 2010

Mayor Woodall stated she requested this item be pulled for separate discussion and commented that the Council voted 3-1 to support a fitness program for the police officers at its January 5, 2010 regular meeting. The matter came back to the Council at the January 19, 2010 regular meeting for a determination as to whether the use of public funds for a fitness program for general employees promoted a valid and substantial public purpose. During that discussion the Council concurred to have the City Manager amend the Program Guidelines for the Police Officers to say that another employee may not sign in for you, and should this occur it would count as a missed class for both individuals rather than just the person who had another person sign in for them. Mayor Woodall stated she felt that if this occurred, both employees should immediately be dismissed from participating in the program in addition to possible further disciplinary action.

Interim City Manager Stretch stated the language could be amended to say that if this occurred, it would count as a missed class for the absent individual and disqualify the employee signing in for another from participation in the program the following session; Mayor Woodall said she didn't feel that would be strong enough language.

Chief of Police Hill explained the intent of the original language was not to suggest that an employee would falsify records and if that were the case with anything, they would be dealt with in accordance with the Personnel Manual including possible termination; rather the intent was that in the event that both employees were present at fit camp and one asked the other to sign him for them that it simply should not happen.

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Councilmember Marks stated it sounds like there is already language in place in the Personnel Manual to address the issue of falsifying records.

Motion was made by Dunker/Barsanti to approve the Fitness Program Description for the Police Department dated February 2, 2010 with the amended language to say: "Another employee may not sign in for an employee and should this occur, the individual would be disqualified from participation in the program the following session and be subject to disciplinary action. Motion carried 5-0."

**Chief Hill left the meeting at this time; 6:50 P.M.**

Approve Scope of Services Agreement between The City of Rio Dell and Winzler & Kelly for Rio Dell Wastewater Reuse Project Phase II Conceptual Project Layout

Rebecca Crow, Winzler & Kelly, stated this was follow-up of the discussion at the January 12, 2010 special meeting regarding the proposed Scope of Services for the Rio Dell Wastewater Reuse Project Phase II Conceptual Project Layout. She said the tasks provided in the scope of work are necessary to complete the preliminary design of the wastewater improvements to be located at the current treatment site and would include: topographic surveys, soil analysis at the wastewater treatment facility and irrigation disposal site, necessary Caltrans permitting for the effluent transmission line to the Mozzetti Irrigation site, assistance on land negotiations with property owners, overall project coordination including funding, meetings, and development of necessary data required to keep the project on schedule, and for work that was completed on the alternatives that were discussed during the January 12<sup>th</sup> meeting. She went on to describe in more detail each of the seven tasks as outlined in Conceptual Project Layout and presented an estimated budget for those tasks of \$126,095. She noted that a conceptual design layout of the project would be necessary in pursuing project funding through Rural Community Assistance Corporation (RCAC) although they had indicated that could provide funding assistance for environmental planning of the project.

Councilmember Barsanti asked if the costs for each of the tasks were solid numbers or estimates; Rebecca stated that actual cost estimates were obtained from LACO & Associates and from Gutierrez Engineering for Tasks 1 and 2 for survey work and geotechnical work but the other tasks were estimates based on estimated hours it would take to complete those tasks which could change.

Councilmember Barsanti said there were some problems with LACO with regard to the drilling at the Mozzetti site and asked if they were the only company around qualified to do the work; Rebecca said she would recommend using LACO for future drilling because they are familiar with the site and have an ultimate drill rig that is acceptable to the Regional Board. She explained the reason for the trouble was because they were using a hollow stem auger drill rig which they had problems with and caused them to be on site longer than they should have been. For future drilling at the Mozzetti site she said LACO would be using a direct push drill rig

which will install a well up to 50 feet, and at the current wastewater treatment site were looking at bringing in an outside driller to do a couple of borings.

Councilmember Barsanti then asked what was involved in the Geotechnical Evaluation; Rebecca explained under this task, geotechnical evaluations will be conducted at the current wastewater treatment facility and along the proposed new transmission main alignment. She said it would not include any geotechnical evaluations at the Eel River Industrial Park site since there was already sufficient data collected for that site.

Mayor Woodall asked for a review of next steps required for the project; Rebecca explained they would be coming back to the City Council within the next month for approval of an addendum to the EIR due to changing from Type I to Type II Irrigation.

Councilmember Marks stated when the City Council voted to change from Type I to Type II Irrigation, she thought studies were done to support that change; Rebecca explained the decision was made last March to switch from Type I to Type II Irrigation because of multiple benefits; one being a reduction in costs, and another was that we would not have to spray irrigation. Those changes were made in the Facilities Plan so the State Regional Water Board is looking at the project at this time with Type II Irrigation as the preferred method. She explained that some EIR addendum work was done in June but was done solely for the purpose of the Solids and Disinfection Management Project.

Rebecca explained in terms of environmental permitting the City may be able to get out of the Army Corp of Engineers and Regional Board permitting but in regard to civil permitting, there is some Cal- Trans permitting and possibly some permitting with the County of Humboldt in regard to right-of-way issues.

She further reported that following along with the Anti-Degradation Analysis will be the Report of Waste Discharge because to get a new treatment plant, the City will need to request a new permit from the Regional Board.

Councilmember Thompson asked when construction would begin; Rebecca said it was expected to begin during the summer of 2011.

In regard to land negotiations, Interim City Manager Stretch reported he expected to have the appraisal by the end of the week and a letter of intent from Abbott & Kinderman.

Motion was made by Dunker/Thompson to approve the Scope of Work between the City of Rio Dell and Winzler & Kelly for Rio Dell Wastewater Reuse Project Phase II Conceptual Project Layout in the amount of \$126,095 on a time and material basis. Motion carried 5-0.

Receive Update on City Manager Recruitment and Authorize Reimbursement for Travel Costs for City Manager Candidates

City Manager Stretch provided an update on the City Manager recruitment process and said it was a very successful recruitment to the extent that he and Councilmembers Dunker and Thompson were able to go through the resumes and reduce the number of applicants down to those who have direct City Manager experience and are highly qualified professionals. He said the next step in the process is candidate interviews and asked the Council members to 1) think about dates to set aside for interviews; and 2) to make a decision on an alternative for reimbursement of travel expenses for the candidates.

The City Manager's recommendation was that the City authorizes reimbursement for invited City Manager candidates for their travel, lodging and per diem expenses related to the interview with the City Council, using the City reimbursement policy as the guide with the reasoning that face to face interviews are preferable for both the agency and the candidate in terms of making that personal connection. He said the other alternative would be to do initial interviews by conference call, then fund the travel expenses for the top 3 or so candidates.

Councilmember Barsanti commented that during previous recruitments for City Manager, once candidates learned what the salary range was, several good applicants dropped out. City Manager Stretch said that he had made personal contact with each of the final candidates and informed them of the salary range (\$75,000 - \$95,000) and so far are all still interested in interviewing for the position.

Consensus of the Council was to schedule interviews for February 25, 26, and possibly the 27<sup>th</sup> if necessary.

Motion was made by Thompson/Marks to authorize reimbursement for invited City Manager candidates for their travel, lodging and per diem expenses related to the interview with the City Council, using the provisions of the City reimbursement policy as a guide. Motion carried 5-0.

Carolyn Petrovich, 1231 Eeloa Ave. asked how many candidates would be interviewed stating the more we have the more it would cost for expenses; City Manager Stretch stated he would rather not say at this point.

**PUBLIC PRESENTATIONS**

Al Petrovich, 1231 Eeloa Ave. said he would like to re-visit the issue of the City sponsored fitness program for the police officers and said it was his understanding that the use of public funds must have a direct and primary public purpose. He said that although the Council made the determination that such expenditure was appropriate for Rio Dell Police Officer although not for general employees, he felt that use of public funds for this purpose was indirect and subject to

volunteer participation. He said he was not against police officers staying physically fit but disagreed with the City paying for the participation especially with the Country in a record deficit. He said that every dollar spent in the City that is not absolutely necessary is a waste. He commented that grants are being passed around as “free money” but said they are not a gift; someone has to pay. He said it is time to tighten our belts across the board and with the nation on its knees , we don’t need to spend money recklessly.

John Lane, speaking as a reporter for the Humboldt Beacon, asked two questions: 1) in the advertisement for City Manager, was the salary range included; and 2) how many applications were received for the position. City Manager Stretch said that the salary range was not included and noted as open and negotiable; and approximately 34 – 35 applications were received.

### **REPORTS/STAFF COMMUNICATIONS**

Interim City Manager Stretch reported on recent meeting and activities and announced there were currently four vacancies on the Rio Dell Planning Commission due to two resignations and two terms expiring; announced one vacancy on the Parks & Recreation Commission due to a resignation; reported the City Attorney was researching the matter of prescriptive rights in regard to the Micheli Subdivision on Blue Slide Road; said a number of General Plan Elements were in need of update stating the City Council had prioritized Public Safety first then the Circulation Element stating he had asked the City Planner to prepare a Scope of Work and would be coming back to the Council for a decision on whether the updates should be done this budget year or next; said Winzler & Kelly had agreed to bring forward an update of the City’s Subdivision Ordinance some time ago but had not yet done so; would be bringing forward a pre-employment drug screening policy for council consideration; was waiting for the cost estimate from Winzler & Kelly for construction of the restrooms at the Fireman’s Park and once we get that we can determine how much money is remaining from the grant for playground equipment; would be bringing to the Council a Business License appeal from applicants who are desiring to put in a motocross park in the Public Facility zoned parcel at the Eel River Industrial Park; stated the Business License Ordinance was lacking some necessary language and would need to be amended; received a Notice of Preparation on the Bear River Ridge Wind Power Project which would be on the next agenda for comment; at the request of the Planning commission, would be drafting a policy regarding absenteeism for Commissioners; would be bringing forward on the next agenda an initiative on the State Parks and Wildlife Conservation Trust Fund Act of 2010 for council consideration; reported he had met with Athena Egan and came up with an agreement regarding clean-up of her property under the current nuisance abatement complaint stating she has until February 12<sup>th</sup> to comply with the Notice or the City will proceed with clean-up at her expense; stated he met with Supervisor Clendenen and discussed issues related to Rio Dell and Scotia and said it was time well spent; and reminded council members of the February 9<sup>th</sup> Study Session regarding Goals and Objectives and the February 23<sup>rd</sup> Special Meeting regarding the Wildwood Ave. Striping Project.

**COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Marks commented she had attended a meeting of the Redwood Region Economic Development Commission; and stated that when she was away, the Council voted to change the way in which payables are processed and asked if at least a listing of all payables could be put in the council packet as informational or sent by e-mail to Council; City Manager Stretch explained the protocol stating that a monthly summary by fund is presented from the finance department to the City Clerk and is available for review by the public or City Council during normal business hours. City Clerk Dunham explained there are several pages to the entire report by fund and questioned whether she wanted the full report or just the check register. City Manager Stretch suggested the report be reviewed to determine if all or a portion of the report is appropriate.

**ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:**

Mayor Woodall announced the Council would be adjourning to closed session to discuss the following items and asked for public comment. There being no public comment, the Council adjourned to closed session at 7:50 P.M.

City Manager Stretch stated for clarification that legal counsel was not present to participate in closed session but he had correspondence from legal counsel regarding the legal matters to be discussed.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the California Government Code: Small Claims Action Against The City of Rio Dell: 1 case; and

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Initiation of litigation pursuant to subdivision (c ) of Section 54956.9 of the California Government Code: Small Claims Action Against Individual: 1 case.

The Council reconvened into open session at 8:20 P.M. City Manager Stretch announced the Council voted unanimously to authorize the City Manager to defend the City in the Small Claims action against the City; and authorized Small Claims action to be filed by the City Manager against a former City employee for unpaid fees.

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**ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 8:25 P.M. to the February 9, 2010 Study Session.

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Julie Woodall, Mayor

Attest:

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Karen Dunham, City Clerk